



**Delaware Thoroughbred Racing Commission
Minutes of Public Hearing & Regular Meeting Held On
April 11, 2012**

The Delaware Thoroughbred Racing Commission held a public hearing and regular meeting on Wednesday, April 11, 2012, at 10:15 a.m., in the second floor conference room of the Horsemen's Office, located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

The following Commission members were present:

Bernard J. Daney, Chairman
W. Duncan Patterson, Jr., Secretary/Commissioner
Henry James Decker, Commissioner
Debbie Killeen, Commissioner
Edward J. Stegemeier, Commissioner

The following individuals also were present:

Ed Kee, Delaware Secretary of Agriculture
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC, Executive Director
Jay Baldwin, D.V.M., Salix Administration Veterinarian
Frederick Burkhardt, DTRC, Associate Steward
Robert E. Colton, Delaware Jockey's Association, Director
Jeff Ganc, Delaware Park, Security, Assistant Director
Bessie Gruwell, DTHA, Executive Director
Pete Lizarzaburu, retired jockey
Madeline Locke, DTHA, President
John E. Mooney, Delaware Park, Executive Director of Racing
Shelley Perkins, DTRC, Paralegal I (recording minutes)
John T. Peters, D.V.M., DTRC, Chief Veterinarian
Keli Peterson, Trainer
Kathleen Picciano, D.V.M., DTRC, Associate Veterinarian
Heriberto Rivera, Jr., The Jockey's Guild, Representative
Ramon L. Rodriguez, DTRC, Inspector
Eleanor Schwandt, Wilcox & Fetzer, Court Reporter
Dan Shortridge, DDA, Communications Officer
Andrew Singleton, Delaware Park, Security, Shift Manager
Joseph Strug, Dalare Associates, Inc., Laboratory Director
Francis J. Swift, Jr., DTRC, Inspector
Paul Trapani, Owner/Trainer, DTHA Board Member
Jane Teichner, V.M.D, DTRC, Associate Veterinarian
Michael Vild, Esq., Delaware Park, Sr. Vice President of Racing/General Counsel

1. **WELCOME AND CALL TO ORDER**

At 10:15 a.m., Chairman Daney called the meeting to order and welcomed those in attendance. Chairman Daney asked that all cell phones and personal devices be silenced and confirmed that the audio recorder was on and that a digital recording of the meeting was underway.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Killeen) and seconded (Decker) minutes of March 7, 2012 were approved as submitted.

3. **PUBLIC HEARING**

A. **Proposed Rule Change**

The proposal amends the rules and regulations to conform to recently revised national standards for the administration of Salix (furosemide) on race days by regulatory veterinarians and the elimination of all race day adjunct medications including Aminocaproic Acid (Amicar) in Thoroughbred and Arabian race horses.

Commission Counsel Kerber opened the record and verbatim testimony was recorded as directed by transcriptionist, Ms. Eleanor Schwandt, of Wilcox & Fetzer. Commission Counsel Kerber noted the changes are as set forth to the members and previously approved to restrict the only allowed bleeder medication to Furosemide (Salix) and to provide for a Salix veterinarian to administer all Salix at the track. There have been no changes to the language as proposed. Executive Director Wayne reported no written comments were received. Commission Counsel Kerber opened the floor to public comments and noted no public comment was received.

Commissioner Decker remarked, "Are there no comments here ? – the horsemen are 100% in agreement with this ?– the track has no problem ?– we're going to have a Salix vet administer all Salix and no one cares?" Again, there were no comments, no questions, no requests for clarification, and no remarks made whatsoever.

Upon a motion duly made (Patterson) and seconded (Stegemeier) changes to the rules were approved as proposed. The rule change becomes effective ten days after publication in the May 1, 2012 *Register of Regulations*. As directed by Commission Counsel Kerber, the record was closed.

4. **OLD BUSINESS**

A. **Commitments from March 7, 2012 Commission Meeting**

Mr. Vild was delayed in reporting to the commission in reference to the 2.5% allocation discussion noted below. The information will be reported on or before the next commission meeting, scheduled for Wednesday, May 9, 2012.

3. **OLD BUSINESS**

A. **2.5% Allocation Discussion – Delaware Racing Association's Capital Budget**

Chairman Stegemeier asked Mr. Vild, Delaware Park's senior vice president of racing and general counsel, how much money is allocated for capital improvements – the Commission is aware that 2.5% is allocated – but specifically, what is the dollar amount 2.5% represents?

Mr. Vild will review the figures and report what the dollar amount is equal to that represents 2.5%.

Mr. Vild reported that the 2.5% obligation is to spend 2.5% of slot commissions toward race related capital improvements. As of the beginning of this year, Delaware Park has spent \$6 million over the 2.5% obligation. In 2011 Delaware Park budgeted \$1.6 million in capital expenditures. This year (2012) Delaware Park budgeted \$490,000 and foresees utilizing all of that money, especially considering a couple major items – i.e. the track surface.

The Commission requested, and Mr. Vild agreed to provide the Commission with an itemized report on the year-to-year expenditures.

B. **Agreement between the DTHA and Delaware Racing Association**

Mr. Vild reported that unexpected negotiations continue over the terms of the contract, and as of this date, it is not yet finalized and a contract has not been executed. Mr. Vild did not want to speak publically about it and instead explained that, in the course of presenting a final agreement to the DTHA for signature, the agreement was instead returned unsigned and with additional terms and/or details of existing terms yet to be resolved.

The commission declared the matter to be most serious and conveyed their disappointment to Ms. Locke and to Mr. Vild. Mr. Vild remarked that involvement by the commission would not be fruitful.

Mr. Vild stated, "I don't want to leave the commission with a misunderstanding – we presented what we believe to be the final agreement – we were prepared to sign what we presented but it is yet unsigned."

Ms. Locke stated, "Mike (Vild) is not on the hook here – we will have a contract and there is no cause for any involvement by the commission. There is no way this will affect racing and we would like you (the commission) to let us finish it and be done with it. "We are all moving forward and there is no ill-will. As soon as this one is signed we will start negotiations on the next."

5. **NEW BUSINESS**

No new business offered.

6. **REPORT FROM EXECUTIVE DIRECTOR**

Executive Director Wayne read into the record his report for the period March 1 to March 31, 2012. Report details included the following:

Total number of persons fingerprinted	1
Total amount of fingerprinting fees collected	79.00
DTRC licenses issued	974
Amount of fines collected	\$ 100.00
License fees collected year to date	\$20,145.00
Contacts to Executive Director by other Commissions	17
ARCI National Surveys answered	3
National Racing Compact license reviews	19
Total National Racing Compact licenses received	30
Inquiries from the public	12
Contacts from Video Lottery Enforcement Unit	6
Contacts from Federal or Police departments	1
Number of investigations	19

Mr. Wayne also reported that he and Inspector Francis J. Swift attended a meeting of the Organization of Racing Investigators (ORI) held in Indianapolis, Indiana. Mr. Wayne gave a presentation on an interesting horse tattoo case in which multiple tracks were involved. Key Note speaker at the meeting, Former Governor Tommy Thompson was very complimentary of the Delaware Thoroughbred Racing Commission and their leadership role in maintaining high standards in racing. A copy of the video of Governor Thompson is available upon request.

7. **REPORT FROM CHIEF COMMISSION VETERINARIAN**

A. **Veterinary Health Statistical Report**

No report required.

Dr. Peters reported that yesterday, April 10, 2012, a horse, diagnosed by Dr. Hamilton to be suffering from pneumonia and laminitis, was humanely destroyed. The horse had been on the grounds at Delaware Park for 4 days.

8. **REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION**

A. **Delaware Certified Thoroughbred Program (DCTP)**

Executive Director Gruwell reported 25 more horses than last month enrolled and reminded those in attendance that, as reported last month, bonuses are reduced.

B. **DCTP Farm Certification Committee**

A newly formed committee that is tasked with setting farm standards for DCTP enrolled farms.

Secretary/Commissioner Patterson reminded Ms. Gruwell that he (Patterson) sits on the newly formed board – and as a member of that board Ms. Gruwell should have ensured that he was notified to attend a recent meeting.

9. **PUBLIC COMMENT**

Chairman Daney recognized the following attendees for public comment.

A. **John E. Mooney, Delaware Park, Executive Director of Racing**

Mr. Mooney reported approximately 250 horses are on the grounds and that schooling at the starting gate was underway. There are stall applications for approximately 1400. He expects most of our horses will come from Maryland and Louisiana, and is waiting on horses from Gulf Stream Park – Tampa still running – Oaklawn closes Saturday.

B. **Joseph Strug, Dalare Associates, Inc., Laboratory Director**

Mr. Strug reported that Dalare Associates was ready for the upcoming racing season and have on hand new equipment in the laboratory to screen for prohibited substances. Commissioner Patterson asked Mr. Strug whether or not his laboratory was accredited to which Mr. Strug replied in the affirmative.

Mr. Wayne interjected that for the record, Dalare Associates Inc received their accreditation on January 17, 2012 through ANSI/ASQ National Accreditation Board A-Class. A Certificate of Accreditation was issued to Dalare by meeting the requirements of international standard "ISO/IEC 17025:2005" for equine drug testing. The certification is valid through January 16, 2014. The DTRC was scheduled to inspect the laboratory on April 19, 2012, however, a meeting conflict necessitated a date later in the season.

C. **Robert E. Colton, Delaware Jockey's Association, Director**

Mr. Colton reported an increase to the riders share of the premium. We are the only track with the added on-track coverage. The DJH&WBB pays \$1 million on-track and Delaware Park pays the second million. There are 15 retired riders and 20 active riders in the plan. Retired riders pay the same – approximately \$5 per month.

D. **Paul Trapani, Owner/Trainer, DTHA Board Member**

Mr. Trapani remarked that we all share the same goal – the horseman and the commission – and the race track have the same goals – and we need a venue (not a public venue) to discuss certain things that come up from time to time. Mr. Vild re-stated that he and Mr. Mooney have an open-door policy and that anyone at anytime can come in and talk and that no amount of meetings and committees will solve the rumor mill on the backstretch. Chairman Daney concluded the discussion and the matter will be discussed during executive session.

E. **Dan Shortridge, DDA, Communications Officer**

Secretary Kee introduced Mr. Dan Shortridge, the new information officer for the Department of Agriculture. Mr. Shortridge background is in journalism and was previously employed by the News Journal.

10. **EXECUTIVE SESSION**

At 11:11 a.m., upon a motion duly made (Decker) and seconded (Stegemeier) the commission was adjourned to executive session to discuss legal and personnel issues. The commission requested that Mr. Mooney and Mr. Vild remain for a portion of executive session.

At 12:20 p.m. the commission was returned to public session.

11. **ADJOURN**

At 12:23 p.m., the meeting was adjourned. The commission will meet next on Wednesday, May 9, 2012, at 10:15 a.m.